

AMENDED IN SENATE JUNE 11, 2003

AMENDED IN ASSEMBLY MAY 1, 2003

AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 528**

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**Introduced by Assembly Member Mullin**  
*(Coauthors: Assembly Members Berg, Goldberg, and Steinberg)*

February 18, 2003

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An act to amend Section 1569.2 of, and to add Section 1569.6 to, the Health and Safety Code, relating to Alzheimer's disease.

### LEGISLATIVE COUNSEL'S DIGEST

AB 528, as amended, Mullin. Alzheimer's disease: residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires the director of the department to adopt regulations for these facilities.

This bill would require the department to encourage residential care facilities for the elderly that serve Alzheimer's patients to create activities and programs that are designed to decrease the effects of sundown syndrome, including, but not limited to, increasing outdoor activities in appropriate weather conditions. This bill would define sundown syndrome to mean recurring confusion and increasing levels of agitation that coincide with the onset of late afternoon and early evening.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the  
2 following:

3 (a) Alzheimer’s disease is a devastating disease that destroys  
4 certain vital cells of the brain, and affects more than 1,500,000  
5 Americans.

6 (b) Alzheimer’s disease and related disorders are responsible  
7 for 50 percent of all nursing home admissions and Alzheimer’s  
8 disease is the fourth leading cause of death in adults.

9 (c) Alzheimer’s disease has serious emotional, financial, and  
10 social consequences for its victims and their families.

11 (d) It is important to provide for the best quality of life for those  
12 affected by this disease by providing activities and programs that  
13 are adapted for the unique needs of Alzheimer’s patients,  
14 including programs designed to decrease the effects of “sundown  
15 syndrome.”

16 SEC. 2. Section 1569.2 of the Health and Safety Code is  
17 amended to read:

18 1569.2. As used in this chapter:

19 (a) “Administrator” means the individual designated by the  
20 licensee to act ~~in~~ *on* behalf of the licensee in the overall  
21 management of the facility. The licensee, if an individual, and the  
22 administrator may be one and the same person.

23 (b) “Care and supervision” means the facility assumes  
24 responsibility for, or provides or promises to provide in the future,  
25 ongoing assistance with activities of daily living without which the  
26 resident’s physical health, mental health, safety, or welfare would  
27 be endangered. Assistance includes assistance with taking  
28 medications, money management, or personal care.

29 (c) “Department” means the State Department of Social  
30 Services.

31 (d) “Director” means the Director of Social Services.

32 (e) “Health-related services” mean services ~~which~~ *that* shall  
33 be directly provided by an appropriate skilled professional,  
34 including a registered nurse, licensed vocational nurse, physical  
35 therapist, or occupational therapist.



1 (f) “Instrumental activities of daily living” means any of the  
2 following: housework, meals, laundry, taking of medication,  
3 money management, appropriate transportation, correspondence,  
4 telephoning, and related tasks.

5 (g) “License” means a basic permit to operate a residential  
6 care facility for the elderly.

7 (h) “Personal activities of daily living” means any of the  
8 following: dressing, feeding, toileting, bathing, grooming, and  
9 mobility and associated tasks.

10 (i) “Personal care” means assistance with personal activities of  
11 daily living, to help provide for and maintain physical and  
12 psychosocial comfort.

13 (j) “Protective supervision” means observing and assisting  
14 confused residents, including persons with dementia, to safeguard  
15 them against injury.

16 (k) “Residential care facility for the elderly” means a housing  
17 arrangement chosen voluntarily by persons 60 years of age or over,  
18 or their authorized representative, where varying levels and  
19 intensities of care and supervision, protective supervision, or  
20 personal care are provided, based upon their varying needs, as  
21 determined in order to be admitted and to remain in the facility.  
22 Persons under 60 years of age with compatible needs may be  
23 allowed to be admitted or retained in a residential care facility for  
24 the elderly as specified in Section 1569.316.

25 This subdivision shall be operative only until the enactment of  
26 legislation implementing the three levels of care in residential care  
27 facilities for the elderly pursuant to Section 1569.70.

28 (l) “Residential care facility for the elderly” means a housing  
29 arrangement chosen voluntarily by persons 60 years of age or over,  
30 or their authorized representative, where varying levels and  
31 intensities of care and supervision, protective supervision,  
32 personal care, or health-related services are provided, based upon  
33 their varying needs, as determined in order to be admitted and to  
34 remain in the facility. Persons under 60 years of age with  
35 compatible needs may be allowed to be admitted or retained in a  
36 residential care facility for the elderly as specified in Section  
37 1569.316.

38 This subdivision shall become operative upon the enactment of  
39 legislation implementing the three levels of care in residential care  
40 facilities for the elderly pursuant to Section 1569.70.

1 (m) “Sundown syndrome” means recurring confusion and  
2 increasing levels of agitation that coincide with the onset of late  
3 afternoon and early evening.

4 (n) “Supportive services” means resources available to the  
5 resident in the community ~~which~~ *that* help to maintain their  
6 functional ability and meet their needs as identified in the  
7 individual resident assessment. Supportive services may include  
8 any of the following: medical, dental, and other health care  
9 services; transportation; recreational and leisure activities; social  
10 services; and counseling services.

11 SEC. 3. Section 1569.6 is added to the Health and Safety  
12 Code, to read:

13 1569.6. The department shall encourage residential care  
14 facilities for the elderly that serve Alzheimer’s patients to create  
15 activities and programs that are designed to decrease the effects of  
16 sundown syndrome, including, but not limited to, increasing  
17 outdoor activities in appropriate weather conditions.

